

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BERNADETTE MARTINEZ	:	CIVIL ACTION
	:	
v.	:	
	:	
SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY	:	NO. 08-5021

ORDER

AND NOW, this 15th day of December, 2009, upon consideration of the pending motions for summary judgment and the responses in opposition, and for the reasons set forth in the attached memorandum, it is hereby **ORDERED** that:

Defendant Southeastern Pennsylvania Transportation Authority [SEPTA]'s Motion for Partial Summary Judgment on Count II [Docket Entry No. 17] is **GRANTED**. There is no genuine issue of fact precluding the issuance of summary judgment on the municipal liability claim. Plaintiff has not established that she was the victim of any state created danger or other constitutional violation by the Defendant. Summary judgment is entered in favor of Defendant SEPTA on Count II of Plaintiff's complaint.

Defendant SEPTA's Motion to Vacate Stay of Count I And For Summary Judgment on That Count [Docket Entry No. 18] is **GRANTED IN PART, DENIED IN PART**. The stay of Count 1, a state law negligence claim, is vacated. Given the fact that it is the general practice of this Court to remand state law claims to that forum when all federal claims have been dismissed, the parties are to submit to my chambers, by January 25, 2010, a letter brief stating their position as to whether remand of the only remaining claim, a state law claim, is appropriate in this case.

BY THE COURT:

S/M. FAITH ANGELL
M. FAITH ANGELL
UNITED STATES MAGISTRATE JUDGE